

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Simcha Plisner,

Plaintiff,

Civil No. 14-2222 (JRT/HB)

v.

Christopher E. Koehn, Michael J. Downie,
Jason E. Jenny, and Twin Cities Oral and
Maxillofacial Surgery, P.A.,

Defendants.

**REPORT AND
RECOMMENDATION**

Plaintiff Simcha Plisner initiated this action on June 25, 2014 when he filed his Complaint on June 25, 2014, an Application to Proceed In Forma Pauperis (IFP) (ECF No. 2), a motion for emergency relief (ECF No. 4), and supporting documentation. On July 2, 2014, the Honorable John R. Tunheim, United States District Judge, ordered Plaintiff to file an amended IFP application or pay the full filing fee by July 22, 2014 (ECF No. 7). On July 24, 2014, Plaintiff filed the Emergency Ex Parte Motion for Extra Additional Time (ECF No. 8) and sent a check in the amount of \$400.00 to pay the filing fee if IFP status is denied. Plaintiff was granted additional time to file an amended IFP application. He was also informed that if he did not file the amended application by September 2, 2014, his check would be cashed and the action would proceed without IFP status (ECF No. 11). Plaintiff did not file an amended IFP application as ordered, so on September 4, 2014, Plaintiff's check was cashed and he is proceeding *pro se*. Finally, on

September 2, 2014, Plaintiff filed a Motion in the Alternatives (ECF No. 16), which was denied on October 1, 2014 (ECF No. 18).

To date, no proof of service of the Complaint or any other documents have been filed with the Court, and no defendant has entered an appearance.

On November 14, 2014, this Court ordered Plaintiff to file proof of service of the Complaint within ten (10) days of the date of the order, and to notify the defendants of their obligation to answer or otherwise plead (ECF No. 19). The order also required Plaintiff to advise the undersigned in writing, within twenty (20) days of the date of the order, of good cause for failure to comply and advised Plaintiff that failure to comply, with the order could result in dismissal of the action for failure to prosecute. That deadline has passed without action.

Being duly advised of all the files, records, and proceedings herein, **IT IS HEREBY RECOMMENDED THAT** this matter be **DISMISSED WITHOUT PREJUDICE**.

Dated: January 20, 2015

s/ Hildy Bowbeer

HILDY BOWBEER

United States Magistrate Judge

NOTICE

Pursuant to Local Rule 72.2(b), any party may object to this report and recommendation by filing and serving specific, written objections by **February 6, 2015**. A party may respond to the objections within fourteen (14) days after service thereof. Any objections or responses filed under this rule shall not exceed 3,500 words. The district court judge shall then make a de novo determination of those portions to which objection is made. Failure to comply with this procedure shall forfeit review in the United States Court of Appeals for the Eighth Circuit.